

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-81123-DT

OSHEA PIERRALL WARD,

Defendant.

ORDER ESTABLISHING SCHEDULE FOR RE-SENTENCING UPON REMAND

This matter is before the court on remand from the United States Court of Appeals for the Sixth Circuit for re-sentencing in light of the Supreme Court's decision in *United States v. Booker*, 125 S.Ct. 738 (2005). IT IS HEREBY ORDERED as follows:

1. PRESENTENCE REPORT. The parties report there are no unresolved presentence report issues.

2. PRESENTENCE BRIEFING. A presentence brief must be filed by defendant not later than **May 17, 2006, the government's response by May 23, 2006.** Any exhibits or other material either party seeks to have the court consider must be submitted to the court by lodging the same with the judge's chambers by the same date. NO NEW MATERIAL SUBMITTED ON THE DAY OF SENTENCING WILL BE CONSIDERED, absent extraordinary circumstances.

3. DEFENDANT DOES NOT WAIVE PERSONAL APPEARANCE AT SENTENCING at this time. If Defendant does intend to waive his appearance, a statement signed by Defendant waiving personal presence must be filed forthwith. If the Defendant waives, the parties could agree that the court may proceed to impose a

sentence on the papers presented. A statement signed by counsel to this effect must be filed forthwith.

4. DEFENDANT'S ALLOCUTION. Defendant may make an allocution statement limited to **SEVEN MINUTES**. A written allocution statement limited to five pages, signed and authored by Defendant, by may be submitted in lieu of oral allocution, but must be filed by the date established for pre-sentence briefing.

4. DEFENSE COUNSEL'S ALLOCUTION. Defense counsel's allocution statement is limited to **SEVEN MINUTES**.

5. GOVERNMENT COUNSEL'S ALLOCUTION. The government's allocution statement is limited to **SEVEN MINUTES**.

6. SCHEDULE. Re-sentencing shall take place in **Courtroom 712, United States Courthouse, 231 West Lafayette, Detroit, Michigan, on May 24, 2006 at 3:00 p.m.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 4, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 4, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522